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TO

Amend the Law relating to Fisheries in Ireland.

A.D. 1897.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 1. This Act may be cited for all purposes as the Fisheries (Ireland) Act, 1897. Title of Act.

2. This Act shall not apply to England or Scotland. Application of Act.

3. The Acts enumerated in the schedule to this Act annexed shall be incorporated with this Act and construed together as one Act, except where the provisions thereof are altered by this Act or are repugnant thereto. Incorporation of Acts.

4. In the construction of section seventy-four of the Fisheries (Ireland) Act, 1842, the words "unseasonable salmon" shall include salmon called keeves, kippers, keepers, kelts, or mended kelts, and salmon, by whatever local name known, which are returning to the sea after spawning. Definition of the words "unseasonable salmon" used in the 5 & 6 Vict. c. 106. s. 74.

5. If any person shall empty or discharge or permit to run or flow into any river or lake any water in which flax or hemp has been steeped, he shall forfeit and pay for every such offence a sum not exceeding *ten pounds* and not less than *two pounds*, and in case the person who shall have actually committed any such offence shall not be known or found, then in such case the owner or occupier of the land on which such flax or hemp has been steeped shall be deemed and taken to be liable to and shall incur the penalty aforesaid as if such offence had been actually committed by him. Discharging flax water into rivers, &c. prohibited.

6. Every person who shall commit any of the offences specified in section eighty of the Fisheries (Ireland) Act, 1842 shall forfeit and pay a sum not less in any case than *two pounds* and not exceeding the sum of *ten pounds*. Alteration of the penalty imposed by the 5 & 6 Vict. c. 106. s. 80.

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Discharge of
poisonous
matters or
liquids into
rivers, &c.
prohibited.

7. In case it shall appear that there has been thrown, emptied, or discharged into any river or lake any dyestuff or other deleterious or poisonous liquid or matter proceeding from any mill, factory, or manufacturing process, and the person who shall have actually committed any such offence shall not be known or found, then 5 and in such case the owner or occupier of such mill, factory, or manufacturing premises shall be deemed and taken to be liable to and shall incur the penalty specified in section eighty of the Fisheries (Ireland) Act, 1842, as amended by this Act, in the case of persons throwing, emptying, or discharging or causing to run or 10 flow into any river or lake any deleterious or poisonous liquid or matter, as if such offence had been actually committed by such owner or occupier.

Incorporation
of
provisions of
Malicious
Damage
Act so far
as they
relate to
poisoning
waters.
(24&25 Vict.
c. 97.)

Use, &c.
of dynamite,
&c. in any
lake, &c.
with intent
to kill
salmon, &c.
prohibited.

8. The provisions of the thirty-second section of the Malicious Damage Act, 1861, so far as they relate to poisoning any 15 water with intent to kill or destroy fish, shall be extended and apply to rivers frequented by salmon as if the words "or in any river frequented by salmon" were inserted in the said section in lieu of the words "private rights of fishery" after the words "noxious material in any such pond or water." 20

9. Any person throwing into or using in any lake, river, or estuary, or having in his possession near any lake, river, or estuary, dynamite or other explosive compounds, with intent to kill or destroy salmon or other fish, shall be liable on summary conviction to a penalty not exceeding *twenty pounds*, and not less than *ten* 25 *pounds*, or, in the discretion of the court, to be imprisoned with or without hard labour, for a term not exceeding *two months*.

Alteration of
5 & 6 Vict.
c. 106. s. 63.

10. The owner or occupier of any dam, weir, dyke, or other erection placed after the passing of the Fisheries (Ireland) Act, 1842, in or across any river frequented by salmon, or of any dam, 30 weir, dyke, or other erection which has been increased since the passing of the said Act, or which shall hereafter be increased, or of any watercourse lending the water from above such dam, weir, dyke, or other erection, to any mill, factory, or other work, and which watercourse shall have been enlarged since the passing of the said 35 Act, or which shall be hereafter enlarged in such wise as to reduce the level of the water at the up-stream side of such dam, weir, dyke, or other erection, who omits or fails to make in such dam, weir, dyke, or other erection such provision for the free passage of salmon, trout, and other fish as is required by the sixty-third 40

section of the said Act, shall incur a penalty not exceeding *twenty pounds* for every such offence, and a further penalty not exceeding *two pounds* for every day during which such offence is continued, commencing from the date of the first conviction.

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11. If three or more persons acting in concert or being together in company shall at any time between the expiration of the first hour after sunset on any day and the beginning of the last hour before sunrise on the following morning enter or be found upon any ground adjacent or near to any lake, river, estuary, or the sea, or in or upon any lake, river, or estuary, or the sea, with intent illegally to take or kill salmon, or having in his or their possession any net, rod, spear, light, or other instrument used for taking salmon, with such intent as aforesaid, or shall illegally take or kill, or attempt to take or kill, or aid or assist in killing or taking salmon, every such person shall be liable on summary conviction either to a fine not exceeding *ten pounds*, and not less than *five pounds*, or, in the discretion of the court, to be imprisoned, with or without hard labour, for a term not exceeding *two months*, and to the forfeiture of all boats, nets, and gear used or attempted to be used in such illegal fishing.

Penalty for three or more persons in concert at night illegally killing salmon.

12. It shall be lawful for boards of conservators of districts from time to time, as shall seem to them expedient, but subject to the approval of the inspectors of fisheries, to fix and determine the scale of licence duty payable for each net for the capture of salmon, trout, pollen, or eels (and for lines used for the capture of eels), the said licence duty to be in proportion to the length of the said net and to its capabilities of capture, and the said boards are authorised and empowered to issue annually, in manner in the said Acts provided with respect to licences, at a charge not exceeding *three pence* per label, zinc or other labels, to be attached to each net licensed for the capture of salmon, trout, pollen, or eels, and to each line licensed for the capture of eels, each label showing in figures the length of the net to which the same is to be attached, and the description thereof, together with the amount of the licence duty that has been previously paid therefor, and the number of the year for which the same is issued, and the name or number describing the district in which such net or line shall be authorised to be used, such labels to be only good and valid for the year, district, and purpose for which the same shall be issued, and for no other, and if any person shall use any net for the capture of salmon, trout, or pollen, or any line for the capture of eels, without the same

Conservators empowered to issue labels and fix licence duty upon nets for capture of salmon, trout, pollen, eels, and eel lines.

A.D. 1897. having duly attached thereto such a label as aforesaid, such person shall be liable to a penalty of not less than *two pounds*, and not more than *ten pounds*, together with forfeiture of the nets or lines so used. And if any person shall use any such label for any other year, district, net, or purpose, or in any manner alter or fraudulently counterfeit the same, he shall be liable to a penalty of not less than *five pounds*, and not more than *twenty pounds*: Provided always that this section shall not alter the licence duty fixed or payable under the said Acts for stake or bag nets or nets used in the eyes or gaps in any river, which shall remain in force as if this Act had not been passed.

Penalty for any person having in possession salmon or trout caught in close season.

13. No person shall have in his possession, or buy, sell, or expose for sale any salmon or trout, or part of any salmon or trout, in any town or place during the close season for salmon or trout for the river or lake or part of the sea coast nearest to such town or place, and any person acting in contravention of this section shall forfeit any salmon or trout or part of any salmon or trout found in his possession, or bought, sold, or exposed for sale, and shall incur a penalty not exceeding *ten pounds*, and a further penalty of not less than *ten shillings* and not exceeding *two pounds* for every such salmon or trout or part of any salmon or trout. But nothing herein contained shall apply to any person having in his possession or buying, selling, or exposing for sale, any clean fresh salmon or trout caught beyond the limits of the United Kingdom, or caught within the limits of the United Kingdom at a time when, and in a place where, the capture of the same was lawful, but the burden of proving that any clean fresh salmon or trout so found in possession, or bought, sold, or exposed for sale, was captured abroad or lawfully captured within the United Kingdom, shall lie on the person having in his possession, or buying, selling, or exposing for sale, any such salmon or trout or part thereof.

Penalty for using fixed cribs, &c., for capture of trout in waters frequented by salmon during the close time fixed for the capture of salmon by cribs, &c., in such waters.

14. No fixed crib, crueve, box, fixed engine, or other device, and no haul, draw, meshing, or other net, of any description, shall be used for the capture of trout of any description in any lake, river, or estuary, tideway, or other part of the sea coast frequented by salmon during such periods as may be, or may have been, fixed, by or in pursuance of the powers conferred by the Fisheries (Ireland) Acts as the close time for fishing for salmon by means other than by angling with single rod and line in respect of such waters. If any person shall take or fish for, or aid, or assist in taking, or fishing for, trout by the means and in the waters afore-

said, and within such periods as aforesaid, he shall forfeit and pay for every such offence a sum not exceeding *ten pounds* nor less than *four pounds*, and shall also forfeit every such engine, device, or net used contrary to the provisions of this section, and shall also

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15. Whereas by the said Fisheries (Ireland) Act, 1842, in section thirty-six, it is provided that if during the close season for salmon for any river, lake, estuary, or any part of the sea coast, any person shall wilfully take or fish for, or aid or assist in taking or fishing for, any salmon or trout therein or therefrom, such person shall forfeit and pay any sum not exceeding ten pounds for every such offence, and shall also forfeit every fish so taken, and every net or engine by which the same may have been taken; and whereas it is expedient that a substantial minimum penalty should be specified for such offences, be it therefore enacted that any person who shall commit any of the said offences shall (in addition to the forfeitures imposed) forfeit and pay a sum not less than *five pounds* and not exceeding *twenty pounds*.

Minimum
penalty for
fishing in
the close
season.

16. There shall be repealed so much of the forty-first section of the Fisheries (Ireland) Act, 1848, as provided that the penalty for the offences therein mentioned shall be not less than ten shillings nor more than five pounds, and in lieu thereof be it enacted that every person who shall commit any of the offences in the said section specified shall pay a sum not less than *five pounds* and not more than *ten pounds*, together with forfeiture of the engine used.

Alteration
of penalty
imposed by
11 & 12 Vict.
c. 92, s. 41.

17. Sections sixty-five and seventy-eight of the Fisheries (Ireland) Act, 1842, and section forty of the Fisheries (Ireland) Act, 1850, are hereby repealed, and in lieu thereof be it enacted that if any person shall have or use in any fresh waters, river, or lake, or on the banks thereof, at any season of the year for the purposes of, or with the intent of, taking salmon or other fish, any light or fire of any kind or any spear (except eelspears), lyster, stroke-haul, dree-draw, or other such instrument, otter, or gaff (except when the latter implement is used solely as auxiliary to angling legally with rod and line, or for the purposes of removing fish from any legal weir or box by the owner or occupiers thereof), or any net (except a lawful net had or used by the owner of a several fishery or his licensee within the limits thereof), or if any person shall be found at any

Repeal of the
5 & 6 Vict.
c. 106, s. 65
and s. 78, and
13 & 14 Vict.
c. 88, s. 40.
Penalty for
having or
using lights,
otters, gaffs,
lysters, &c.
at any time
in inland
rivers.

A.D. 1897. time chasing, injuring, or disturbing spawning fish or fish on the spawning beds, or attempting to catch fish in such places (except with rod and flies only within the lawful period), or damming or teeming or emptying any weir, watercourse, river course, or mill-race, for the purpose of taking or destroying any salmon or trout, 5 or the fry thereof, every person so offending in any of the cases aforesaid shall forfeit all such instruments and implements, and shall forfeit and pay any sum not exceeding *ten pounds*, and not less than *four pounds*.

Original certificate of inspectors for fixed engines, evidence same was legally erected in 1862.

18. On any application to the inspectors for a transfer or 10 renewal of a certificate for any fixed engine for which a certificate shall have been granted by them, or by the special commissioners for Irish fisheries under the provisions of the Salmon Fishery (Ireland) Act, 1863, the original certificate produced from the office of the said inspectors shall be conclusive evidence that such 15 fixed engine was legally erected for catching salmon during the open season of 1862, and that all the provisions of the Fisheries (Ireland) Act, 1842, in regard to such fixed engine have been complied with.

Certificate of fixed engine erected under 4 & 4 Vict. c. 106 & 19 shall be conclusive evidence of any person holding under a valid grant for any term (without being in the occupation of the land adjoining the shore) to use such engine.

19. Where a certificate has been granted by the special commis- 20 sioners for Irish fisheries or by the said inspectors for any fixed engine erected in pursuance of the provisions of the nineteenth section of the Fisheries (Ireland) Act, 1842, the right to erect and use such fixed engine may from henceforth be exercised by any person holding same under a valid grant for any term or 25 interest whatsoever, and the possession and occupation by such person of the land adjoining the shore to which such fixed engine is attached shall not be deemed necessary for the legal use of such fixed engine, anything in the said Act or the said Acts to the contrary notwithstanding. 30

The provisions of the Pollen Fisheries (Ireland) Act, 1891, extended so as to include salmon and trout.

20. The provisions of the Pollen Fisheries (Ireland) Act, 1891, save sections three and four thereof, shall extend to salmon and trout.

Constabulary and other officers to carry out and enforce this Act and Fishery Acts now in force.

21. All officers and men of the constabulary, and all other officers and persons appointed to carry out and enforce the pro- 35 visions of the Salmon Fisheries Acts now in force, shall also be empowered to carry out and enforce the provisions of this Act and the Fishery Acts now in force.

22. The penalty in respect of any offence under the Salmon Fisheries (Ireland) Acts shall on a conviction for a second offence be not less than *one half* of the maximum penalty capable of being imposed in respect of such offence, and on a conviction for a third or subsequent offences the full penalty mentioned therein shall be imposed.
23. "Summary conviction" shall mean a conviction under the Petty Sessions (Ireland) Act, 1851, or any Acts in force for the like purpose in the police district of Dublin metropolis, or any Acts amending such Acts.
24. All penalties imposed by this Act shall be recovered and applied in manner in which penalties under the said Acts are recoverable and applicable.
25. It shall not be lawful for the inspectors of fisheries to make any order or byelaw extending, whether directly or by indirect means, the period of the weekly or nightly close times beyond the period or number of hours mentioned in the Fisheries (Ireland) Acts save in the particular instance mentioned specifically in the eleventh section of the Salmon Fisheries (Ireland) Act, 1863.

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Regulation of penalties under the Salmon Fisheries (Ireland) Acts.

Definition of "summary conviction."

Recovery of penalties.

Weekly close time not to be extended beyond the period fixed by the Fisheries (Ireland) Acts.

SCHEDULE.

5 & 6 Vict. c. 106.	33 & 33 Vict. c. 92.
7 & 8 Vict. c. 108.	33 & 34 Vict. c. 38.
8 & 9 Vict. c. 108.	40 & 41 Vict. c. 42.
11 & 12 Vict. c. 92.	40 & 41 Vict. c. 65.
13 & 14 Vict. c. 88.	44 & 45 Vict. c. 66.
26 & 27 Vict. c. 114.	47 & 48 Vict. c. 48.
29 & 30 Vict. c. 88.	51 & 52 Vict. c. 80.
29 & 30 Vict. c. 97.	52 & 53 Vict. c. 74.
32 Vict. c. 9.	54 & 55 Vict. c. 20.

**Fisheries (Ireland) Acts
Amendment.**

B I L L

**To amend the Law relating to
Fisheries in Ireland.**

*(Prepared and brought in by
Mr. Sturt-Roe, Mr. Timmins, Mr. Dunn,
and Mr. James Burke.)*

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